

REMARKS

Claims 1-5 are pending in this application. Claims 1-3 were rejected, and claims 4-5 were allowed. Claims 1-3 are currently amended. Reconsideration and further examination are respectfully requested.

Support for the changes to the claims and also the new claims is in the specification in section 2.a.1.3 “AP Power Adjustment,” at pages 32-41. Particular reference is made to the two paragraphs at pages 33-34 which describe Figure 17.

The presently claimed invention distinguishes the ‘229 patent because the first device adjusts its transmit power as a function of relative difference in distance to the second device (with which it is communicating) and distance to the third device. In particular, the transmit power is set relative to the furthest of the second device and the third device. The ‘229 patent, in contrast, teaches that an access point first adjusts transmit power based on negotiations with another AP<sup>1</sup>, and then either selects another time interval<sup>2</sup> or revises the partitioning scheme.<sup>3</sup>

A terminal disclaimer is submitted with this response in order to overcome the provisional double-patenting rejection.

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<sup>1</sup> Column 9, lines 14-20

<sup>2</sup> Column 10, lines 1-5

<sup>3</sup> Column 10, lines 19-25

Applicants have made a diligent effort to place the claims in condition for allowance. However, should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone Applicants' Attorney at the number listed below so that such issues may be resolved as expeditiously as possible.

For these reasons, and in view of the above amendments, this application is now considered to be in condition for allowance and such action is earnestly solicited.

Respectfully Submitted,

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Date

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